which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Air Force nominations beginning Timothy L. Anderson, and ending Raymond E. Ratajik, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Army nominations beginning Rodger T. Hosig, and ending Sara M. Lowe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Army nomination of Frederick B. Brown, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Army nominations beginning Ronnie Abner, and ending Vincent A. Zike, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

Navy nominations beginning James P. Screen III, and ending Jason R.J. Testa, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1995.

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 830. An act to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

H.R. 889. An act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The message also announced that pursuant to the provisions of 22 U.S.C. 1928a, the Speaker appoints to the U.S. Group of the North Atlantic Assembly the following members on the part of the House: Mr. ROSE, Mr. HAMILTON, Mr. COLEMAN, and Mr. RUSH.

The message further announced that pursuant to the provisions of section 3 of Public Law 94–304, as amended by section 1 of Public Law 99–7, the Speaker appoints to the Commission on Security and Cooperation in Europe the following members on the part of the House: Mr. PORTER, Mr. WOLF, Mr. FUNDERBURK, Mr. SALMON, Mr. HOYER, Mr. MARKEY, Mr. RICHARDSON, and Mr. CARDIN.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 889. An act making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 830. An act to amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Lacy H. Thornburg, of North Carolina, to be U.S. District Judge for the District of North Carolina.

Sidney H. Stein, of New York, to be U.S. District Judge for the Southern District of New York.

Thadd Heartfield, of Texas, to be U.S. District Judge for the Eastern District of Texas.

David Folsom, of Texas, to be U.S. District Judge for the Eastern District of Texas.

Sandra L. Lynch, of Massachusetts, to be U.S. Circuit Judge for the First Circuit.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself, Mr. BIDEN, Mr. GRASSLEY, and Mr. HEFLIN):

S. 464. A bill to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS:

S. 465. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BREAUX:

S. 466. A bill to amend title II of the Social Security Act to repeal the rule providing for termination of disabled adult child's benefits upon marriage; to the Committee on Finance.

By Mr. BOND:

S. 467. A bill for the relief of Benchmark Rail Group, Inc., and for other purposes; to the Committee on the Judiciary.

By Mr. GLENN (for himself and Mr. DEWINE):

S. 468. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GREGG (for himself and Mr. COATS):

S. 469. A bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards; to the Committee on Labor and Human Resources.

By Mr. HOLLINGS (for himself and Mr. INOUYE):

S. 470. A bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; to the Committee on Commerce, Science, and Transportation.

By Mr. BIDEN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. ROTH, and Mr. STEVENS):

S. 471. A bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans Affairs.

By Mr. DODD (for himself and Mr. KENNEDY):

S. 472. A bill to consolidate and expand Federal child care services to promote self sufficiency and support working families, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BOND (for himself, Mr. SIMON, Mr. ASHCROFT, and Ms. MOSELEY-BRAUN):

S.J. Res. 27. A joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BIDEN, Mr. GRASSLEY, and Mr. HEFLIN):

S. 464. A bill to make the reporting deadlines for studies conducted in Federal court demonstration districts consistent with the deadlines for pilot districts, and for other purposes; to the Committee on the Judiciary.

THE CIVIL JUSTICE REFORM ACT AMENDMENT ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce legislation that would work a purely technical correction to extend the time period for a study currently being conducted in certain Federal courts.

The Civil Justice Reform Act of 1990 set up two programs to study various innovative programs in court management. One program involves so-called pilot courts, and the other involves what are referred to as demonstration districts. Those court programs were originally established for a 3-year period, with the studies to be conducted over a 4-year period and the resulting reports transmitted to Congress by December 31, 1995. The Rand Corp. has been carrying out the study of the pilot courts, while the Federal Judicial Center is conducting the study of the demonstration districts.

Last year, the pilot court programs were extended for an additional year, and the Rand Corp. received a 1-year extension for its study of those courts. That extension was included in the Judicial Amendments Act of 1994.

Through an oversight, however, no extension was included for the demonstration districts.

The legislation I am introducing would grant precisely the same 1-year extension for the demonstration districts as was granted for the pilot courts. That will make the two programs and their studies consistent so that the final reports can be directly compared. That was precisely the intent behind the identical deadlines that were established when the two study programs were set up. This legislation will restore that end. Also, the extension of the deadline will improve the study, since more cases will be complete and included in the study. Improving the reliability and consistency of the resulting reports can only help us improve the efficiency of our courts.

Finally, this 1-year extension will entail no additional costs since the demonstration districts are planning to continue the programs under study in any event. The extension of the deadline will not affect the budget or personnel of any Federal entity.

I also note that this purely technical bill has bipartisan support: Senators BIDEN, GRASSLEY, and HEFLIN are original cosponsors.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 464

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION DEMONSTRATION PROGRAMS.

Section 104 of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended—

(1) in subsection (a)(1) by striking ''4-year period'' and inserting ''5-year period''; and

(2) in subsection (d) by striking ''December 31, 1995,'' and inserting ''December 31, 1996,''.

By Mr. BAUCUS:

S. 465. A bill to amend the Solid Waste Disposal Act to provide congressional authorization for restrictions on receipt of out-of-State municipal solid waste and for State control over transportation of municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

THE INTERSTATE WASTE CONTROL ACT OF 1995

Mr. BAUCUS. Mr. President, I rise to introduce the State and Local Government Interstate Waste Control Act of 1995. This bill will give our cities and States the authority they need to restrict imports of trash coming from other States.

COMMERCE IN GARBAGE

Not many people think of garbage as a commodity like other products that flow in interstate commerce but it is.

Every year, the United States produces more than 200 million tons of municipal waste. Seven percent of this garbage—1 ton in 14—is sent to a landfill or incinerator in another State.

Nearly every State is a seller or buyer in the municipal waste market. Forty-seven States export some garbage, and 44 import some garbage.

When you think about it, trading garbage makes sense, especially for border towns. In Montana, for example, two towns have made arrangements to share landfills with western North Dakota towns. And some trash, from the Wyoming areas of Yellowstone Park, is disposed of in Montana.

These arrangements save money for the communities involved. And shared regional landfills can be a policy that makes sense.

DECIDE OUR OWN DESTINY

But it only makes sense when everyone involved agrees to it. Nobody should have barrels of garbage emptied over their heads. And it is a nasty fact that some people see big thinly populated States like Montana as potential trash cans.

The people of Montana, or any other State, should not be forced to take trash they do not want. The citizens of Miles City, for example, have been fighting to stop a proposed mega-landfill from taking out-of-State waste.

This idea would have brought entire coal trains full of garbage to dump on a small prairie town. These trains average 110 cars each. One hundred and ten open-roofed coal cars full of trash. Like prairie garbage schooners. It is an outrage.

Miles City, like all cities, should be able to decide whether it wants these trains. We should be able to control our own destiny. And we want the right to say ''no.''

If we see landfill sharing as appropriate for our needs, fine. But we ought to be able to reject these arrangements when we don't like them. As Deborah Hanson of the Custer Resource Alliance put it a couple of years ago, ''we want to guarantee that Montana will not become a dumping ground.''

It's that simple, Mr. President. No city or State should become a dumping ground simply because an exporting community does not have the will to take care of its own garbage.

Today, however, we do not have that power. Neither local communities, nor Governor Racicot, nor the legislature can reject unwanted garbage imports. The Supreme Court has repeatedly struck down State laws aimed at restricting out-of-State garbage, because these laws violate the Constitution's interstate commerce protections. And that must change.

THE INTERSTATE WASTE BILL

Mr. President, we have been working on this issue for 6 years. We have explored all options in an effort to find a workable solution.

We have held hearings and debated the issues. The Senate passed interstate waste bills in the 101st Congress, the 102d Congress, and again last Congress. It is time to put this issue behind us.

If we build on the progress we made last year, we can pass a bill that becomes law. I believe that this bill strikes the right compromise to do just that. It is largely the same bill that the Senate and the House came close to agreeing on last year. We came within a fingernail's width of agreement last year, and it is time to finish the job.

The bill resolves a problem that our States cannot solve without congressional action.

STRIKING A BALANCE

And it strikes a balance that will work for every community, in every State. It has four major points:

First, it allows every Governor to freeze future imports of garbage at the amount his or her State received in 1993.

Second, it bans any new imports of municipal waste unless the community receiving the garbage specifically wants it.

Third, it requires large exporting States to reduce their future exports. This will encourage recycling and other efforts to cut the amount of garbage we produce.

And fourth, to ensure that no State becomes a dumping ground for any other State, the bill authorizes a Governor to limit imports from any single State.

Thus, this bill empowers States and communities. It lets them decide whether they want more out-of-State garbage. If the community wants new imports, it can enter a host community agreement subject to the approval of the Governor. The decision is up to the people at home.

In summary, Mr. President, this bill will give States the power to restrict trash imports. It will require exporting States to reduce their exports. And it will do all this without disrupting beneficial existing arrangements or creating incentives for illegal disposal.

Finally, and most important, it will give people in rural towns some say in their own lives and communities. Some control over their destiny.

It will mean more decisions by ordinary middle-class people, and fewer decisions by big Government and big business. And that is what the people want.

Mr. President, I ask unanimous consent that the text of the bill along with a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. SHORT TITLE.

This Act may be cited as the ''State and Local Government Interstate Waste Control Act of 1995''.

SEC. 102. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding after section 4010 the following new section:

"SEC. 4011. INTERSTATE TRANSPORTATION AND DISPOSAL OF MUNICIPAL SOLID WASTE.

''(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—

''(1) IN GENERAL.—(A) Except as provided in subsections (c), (e), and (h), effective January 1, 1996, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

''(B) An authorization granted after enactment of this section pursuant to subparagraph (A) shall—

''(i) be granted by formal action at a meeting;

''(ii) be recorded in writing in the official record of the meeting; and

''(iii) remain in effect according to its terms.

''(C) An authorization granted pursuant to subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

''(D) Promptly, but not later than 90 days after such an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization granted under this subsection.

''(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste pursuant to this subsection, the owner or operator of the facility seeking such authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

''(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities (expressed in terms of volume) of waste to be handled.

''(B) A map of the facility site indicating location in relation to the local road system and topography and hydrogeological features. The map shall indicate any buffer zones to be acquired by the owner or operator as well as all facility units.

''(C) A description of the then current environmental characteristics of the site, a description of ground water use in the area (including identification of private wells and public drinking water sources), and a discussion of alterations that may be necessitated by, or occur as a result of, the facility.

''(D) A description of environmental controls typically required to be used on the site (pursuant to permit requirements), including run on or run off management (or both), air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs. In addition, the description shall include a description of any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

''(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility. To the extent practicable, the information shall distinguish between employment statistics for preoperational and postoperational levels.

''(H) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner, the operator, and any subsidiary of the owner or operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective action and rehabilitation measures taken as a result of the proceedings.

''(I) Any information that is required by State or Federal law to be provided with respect to gifts and contributions made by the owner or operator.

''(J) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, except where State law provides for an alternate form of public notification; and

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

''(b) ANNUAL STATE REPORT.—

''(1) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year. Within 120 days after enactment of this section and on July 1 of each year thereafter each such State shall publish and make available to the Administrator, the governor of the State of origin and the public a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

''(2) CONTENTS.—Each submission referred to in this subsection shall be such as would result in criminal penalties in case of false or misleading information. Such submission shall include the amount of waste received, the State of origin, the identity of the generator, the date of shipment, and the type, of out-of-State municipal solid waste.

''(3) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out of State in any of the following calendar years an amount of municipal solid waste in excess of—

''(A) 3.5 million tons in 1996;

''(B) 3.0 million tons in 1997;

''(C) 3.0 million tons in 1998;

''(D) 2.5 million tons in 1999;

''(E) 2.5 million tons in 2000;

''(F) 1.5 million tons in 2001;

''(G) 1.0 million tons in 2002;

''(I) 1.0 million tons in 2003; and

''(J) 1.0 million tons in each calendar year after 2003.

The list for any calendar year shall be published by June 1 of the following calendar year.

''(4) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

''(c) FREEZE.—

''(1) ANNUAL AMOUNT.—(A) Beginning January 1, 1996, except as provided in paragraph (2) and unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (3), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (e) that is subject to the jurisdiction of the Governor, to an annual amount equal to the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

''(B) At the request of an affected local government that has not executed a host community agreement, the Governor may limit the amount of out-of-State municipal solid waste received annually for disposal at the landfill or incinerator concerned to the amount described in subparagraph (A). No such limit may conflict with provisions of a permit specifically authorizing the owner or operator to accept, at the facility, out-of-State municipal solid waste.

''(C) A limit or prohibition under this section shall be treated as conflicting and inconsistent with a permit or host community agreement if—

''(i) the permit or host community agreement establishes a higher limit; or

''(ii) the permit or host community agreement does not establish any limit.

''(2) LIMITATION ON GOVERNOR'S AUTHORITY.—A Governor may not exercise the authority granted under this subsection in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (e) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

''(3) UNIFORMITY.—Any limitation imposed by a Governor under paragraph (1)(A)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin.

''(d) RATCHET.—

''(1) IN GENERAL.—Unless it would result in a violation of, or be inconsistent with, a host community agreement or permit specifically authorizing the owner or operator of a landfill or incinerator to accept out-of-State municipal solid waste at such landfill or incinerator, immediately upon the date of publication of the list required under subsection (b)(3), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (4), may prohibit the disposal of out-of-State municipal solid waste, at any landfill or incinerator covered by the exceptions in subsection (e) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under subsection (b)(3) as having exported, to landfills or incinerators not covered by host community agreements or permits, in any of the following calendar years

an amount of municipal solid waste in excess of the following:

''(A) 3.5 million tons in 1996.

''(B) 3.0 million tons in 1997.

''(C) 3.0 million tons in 1998.

''(D) 2.5 million tons in 1999.

''(E) 2.5 million tons in 2000.

''(F) 1.5 million tons in 2001.

''(G) 1.5 million tons in 2002.

''(H) 1.0 million tons in 2003.

''(I) 1.0 million tons in each calendar year after 2003.

''(2) ADDITIONAL EXPORT LIMITS.—

''(A) PROHIBITION.—No State may export to any one State more than the following amounts of municipal solid waste in any of the following calendar years:

''(i) 1.4 million tons, or 90 percent of the 1993 levels exported to the State, whichever is greater, in 1996;

''(ii) 1.3 million tons, or 90 percent of the 1996 levels exported to the State, whichever is greater, in 1997;

''(iii) 1.2 million tons, or 90 percent of the 1997 levels exported to a State, whichever is greater, in 1998;

''(iv) 1.1 million tons, or 90 percent of the 1998 levels exported to a State, whichever is greater, in 1999;

''(v) 1 million tons in 2000;

''(vi) 800,000 tons in 2001;

''(vii) 600,000 tons in 2002; or

''(ix) 600,000 tons in any year after 2002,

to landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.

''(B) ACTION BY GOVERNOR.—The Governor of an importing State may restrict levels of imports of municipal solid waste into that State to reflect the levels specified in subparagraph (A) if—

''(i) the Governor of the importing State has notified the Governor of the exporting State and the Administrator 12 months prior to enforcement of the importing State's intention to impose the requirements of this section;

''(ii) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to the enforcement of this section; and

''(iii) the restrictions imposed by the Governor of the importing State are uniform at all facilities within the State receiving municipal solid waste from the exporting State.

''(3) DURATION.—The authority provided by paragraph (1) or (2) or both shall apply for as long as a State exceeds the levels allowable under paragraph (1) or (2), as the case may be.

''(4) UNIFORMITY.—Any restriction imposed by a State under paragraph (1) or (2)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of State of origin, in the case of States in violation of paragraph (1) or (2).

''(e) AUTHORIZATION NOT REQUIRED FOR CERTAIN FACILITIES.—

''(1) IN GENERAL.—The prohibition on the disposal of out-of-State municipal solid waste in subsection (a) shall not apply to landfills and incinerators that—

''(A) were in operation on the date of enactment of this section and received during calendar year 1993 documented shipments of out-of-State municipal solid waste, or

''(B) before the date of enactment of this section, the owner or operator entered into a host community agreement or received a permit specifically authorizing the owner or operator to accept at the landfill or incinerator municipal solid waste generated outside the State in which it is or will be located.

''(2) AVAILABILITY OF DOCUMENTATION.—The owner or operator of a landfill or incinerator that is exempt under paragraph (1) of this subsection from the requirements of subsection (a) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or permit referenced in paragraph (1). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent: the volume of out-of-State municipal solid waste received, the place of origin of the waste, and the duration of any relevant contract.

''(3) DENIED OR REVOKED PERMITS.—A landfill or incinerator may not receive for disposal or incineration out-of-State municipal solid waste in the absence of a host community agreement if the operating permit or license for the landfill or incinerator (or renewal thereof) was denied or revoked by the appropriate State agency before the date of enactment of this section unless such permit or license (or renewal) has been reinstated as of such date of enactment.

''(4) WASTE WITHIN BI-STATE METROPOLITAN STATISTICAL AREAS.—The owner or operator of a landfill or incinerator in a State may receive out-of-State municipal solid waste without obtaining authorization under subsection (a) from the affected local government if the out-of-State waste is generated within, and the landfill or incinerator is located within, the same bi-State level A metropolitan statistical area (as defined by the Office of Management and Budget and as listed by the Office of Management and Budget as of the date of enactment of this section) that contains two contiguous major cities each of which is in a different State.

''(f) NEEDS DETERMINATION.—Any comprehensive solid waste management plan adopted by an affected local government pursuant to Federal or State law may take into account local and regional needs for solid waste disposal capacity. Any implementation of such plan through the State permitting process may take into account local and regional needs for solid waste disposal capacity only in a manner that is not inconsistent with the provisions of this section. Nothing in this subsection shall be construed to prohibit or preclude any State government or solid waste management district, as defined under State law, from requiring any affected local government to site, construct, expand, or require the installation of environmental equipment at, any solid waste facility.

''(g) IMPLEMENTATION AND ENFORCEMENT.—Any State may adopt such laws and regulations, not inconsistent with this section, as are necessary to implement and enforce this section, including provisions for penalties.

''(h) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed to have any effect on State law relating to contracts or to authorize or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section during the life of the contract as determined under State law.

''(i) DEFINITIONS.—As used in this section:

''(1) AFFECTED LOCAL GOVERNMENT.—(A) For any landfill or incinerator, the term 'affected local government' means—

''(i) the public body authorized by State law to plan for the management of municipal solid waste, a majority of the members of which are elected officials, for the area in which the landfill or incinerator is located or proposed to be located; or

''(ii) if there is no such body created by State law—

''(I) the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or is proposed to be located; or

''(II) if a Governor fails to make a selection under subclause (I), and publish a notice regarding the selection, within 90 days after the date of enactment of this section, the elected officials of the city, town, township, borough, county, parish, or other public body created pursuant to State law with primary jurisdiction over the land or the use of land on which the facility is located or is proposed to be located.

The Governor shall publish a notice regarding the selection described in clause (ii).

''(B) Notwithstanding subparagraph (A), for purposes of host community agreements entered into before the date of enactment of this section (or before the date of publication of notice, in the case of subparagraph (A)(ii)), the term shall mean either the public body described in clause (i) or the elected officials of the city, town, township, borough, county, or parish exercising primary responsibility for municipal solid waste management or the use of land on which the facility is located or proposed to be located.

''(C) Two or more Governors of adjoining States may use the authority provided in section 1005(b) to enter into an agreement under which contiguous units of local government located in each of the adjoining States may act jointly as the affected local government for purposes of providing authorization under subsection (a) for municipal solid waste generated in one of the jurisdictions described in subparagraph (A) and received for disposal or incineration in another.

''(2) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive municipal solid waste generated out-of-State, but does not include any agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

''(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means refuse (and refuse-derived fuel) generated by the general public, from a residential source, or from a commercial, institutional, or industrial source (or any combination thereof) to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, and regardless of when generated, would be considered conditionally exempt small quantity generator waste under section 3001(d), such as paper, food, wood, yard wastes, plastics, leather, rubber, appliances, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include any of the following:

''(A) Any solid waste identified or listed as a hazardous waste under section 3001.

''(B) Any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act.

''(C) Recyclable materials that have been separated, at the source of the waste, from waste otherwise destined for disposal or that have been managed separately from waste destined for disposal.

''(D) Any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated.

''(E) Any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation.

''(F) Sewage sludge and residuals from any sewage treatment plant, including any sewage treatment plant required to be constructed in the State of Massachusetts pursuant to any court order issued against the Massachusetts Water Resources Authority.

''(G) Combustion ash generated by resource recovery facilities or municipal incinerators, or waste from manufacturing or processing (including pollution control) operations not essentially the same as waste normally generated by households.

''(H) Any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph).

''(I) Any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(4) OUT-OF-STATE MUNICIPAL SOLID WASTE.—The term 'out-of-State municipal solid waste' means, with respect to any State, municipal solid waste generated outside of the State. Unless the President determines it is not consistent with the North American Free Trade Agreement and the General Agreement on Tariffs and Trade, the term shall include municipal solid waste generated outside of the United States.

''(5) SPECIFICALLY AUTHORIZED; SPECIFICALLY AUTHORIZES.—The terms 'specifically authorized' and 'specifically authorizes' refer to an explicit authorization, contained in a host community agreement or permit, to import waste from outside the State. Such authorization may include a reference to a fixed radius surrounding the landfill or incinerator that includes an area outside the State or a reference to 'any place of origin', reference to specific places outside the State, or use of such phrases as 'regardless of origin' or 'outside the State'. The language for such authorization may vary as long as it clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from sources or locations outside the State.''.

SEC. 103. TABLE OF CONTENTS AMENDMENT.

The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following new item:

''Sec. 4011. Interstate transportation and disposal of municipal solid waste.''.

SUMMARY OF STATE AND LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT OF 1995

The State and Local Government Interstate Waste Control Act of 1995 provides the following new legal authority to every State to restrict out-of-State municipal solid waste.

Restriction on receipt of Out-of-State MSW. Municipal solid waste imports are banned unless the affected local community, as defined by the Governor or State law, agrees to accept the waste.

MSW Import Freeze. A governor may unilaterally freeze out-of-State MSW at 1993 levels.

MSW Export State Rachet. A governor may unilaterally ban out-of-State MSW from any State exporting more than 3.5 million tons of MSW in 1996, 3.0 million tons in 1997 and 1998, 2.5 million tons of MSW in 1999 and 2000, 1.5 million tons in 2001 and 2002, and 1 million tons of MSW in 2003 and every year thereafter.

MSW Import State Rachet. A Governor may unilaterally restrict out-of-State MSW, imported from any one State in excess of the following levels: In 1996, more than 1.4 million tons or 90 percent of the 1993 levels of such waste exported to such State, whichever is greater; in 1997, 1.3 million tons or 90% of the 1996 levels of such waste exported to such State, whichever is greater; in 1998, 1.2 million tons of 90 percent of the 1997 levels of such waste exported to such State, whichever is greater; in 1999, 1.1 million tons, or 90% of the 1998 levels of such waste exported to such State, whichever is greater; in 2000, 1 million tons; in 2001, 800,000 tons; and in 2002 and each year thereafter, 600,000 tons.

International Imports. The bill also allows any Governor to exercise these authorities to ban or limit MSW imported from Canada (and other countries) if not inconsistent with GATT and NAFTA.

Protection of Host Community Agreements. The bill explicitly prohibits a Governor from limiting or prohibiting MSW imports to landfills or incinerators (including waste-to-energy facilities) that have a host community agreement (as defined in the bill). Such agreements must expressly authorize the receipt of out-of-State MSW.

Needs Determination. The bill allows a State plan to take into account local and regional needs for solid waste disposal capacity through State permitting provided that it is implemented in a manner that is not inconsistent with the provisions of the bill.

By Mr. BREAUX:

S. 466. A bill to amend title II of the Social Security Act to repeal the rule providing for termination of disabled adult child's benefits upon marriage; to the Committee on Finance.

THE SOCIAL SECURITY ACT AMENDMENT ACT OF 1995

• Mr. BREAUX. Mr. President, I reintroduce legislation that would resolve a long-standing inequity in the rules that govern eligibility under the Social Security Act's coverage of disabled individuals.

The so-called disabled adult child benefit under title II of the Social Security Act provides benefits to the disabled children of individuals who receive old age or disability insurance benefits. Eligible individuals receive a cash benefit and Medicare coverage. Very often the Medicare coverage that individuals receive is more important than the cash benefit, because the severely disabled recipients have nowhere else to go to get insurance that would cover their preexisting, often severe disabilities.

Under current law, individuals who receive the disabled adult child benefit automatically lose their benefits if they get married, regardless of their income. This penalty is archaic and should be removed from the law. When these provisions were originally enacted society had a different view of the disabled than it does today. The notion was that, upon marriage, disabled individuals would leave their dependence relationship with the Social Security program only to enter into a dependence relationship on a spouse. Today, we have come to realize that disabled people can be productive members of society in their own right. They can and should be free to marry, and raise families and engage in the pursuit of happiness like everyone else in this country. This automatic loss of benefits, especially of the all-important Medicare coverage—is a huge obstacle for disabled adult child recipients who want to do so.

Mr. President, the bill I am reintroducing today would repeal the provision which requires that these individuals lose their benefits when they marry.

Several years ago, a constituent of mine named Jimmy Rick drove his wheelchair all the way to Washington, DC, and Capitol Hill from his home in Amide, LA, in order to bring this matter to my attention. Mr. Rica has been paralyzed from the neck down since he was 3 years old and has had a series of incredibly painful and debilitating operations over the course of his 46 years. Every night of his life he must sleep in an iron lung. Somehow, he still managed to pilot his wheel chair the 1,100 miles from Aide, LA, to Capitol Hill to explain the effect that the marriage provision has had on his life.

Mr. Rick and his wife, Dona, had to wait 7 years before they could get married and adopt children. He was completely dependent on the Medicare coverage he had as a beneficiary and could not have gotten insurance anywhere else. Jimmy and Dona could not get married until she found a job with the U.S. Postal Service that carried the kind of health insurance coverage that Jimmy absolutely needed in order to survive. Since their marriage in May 1990 the Ricks have adopted two children, and they would like to adopt more. They are a happy, productive and stable family. The archaic marriage penalty in the Social Security law only served to delay this happy circumstance for 7 unnecessary years.

This Congress will be the third Congress in which I have introduced this legislation. In June 1992, the Senate Finance Committee approved a provision based on this legislation as part of a larger measure that would have liberalized the Social Security earnings limit. Unfortunately, the provision was stripped before the legislation passed due to conflict with the Budget Committee's interpretation of rules related to on-budget versus off-budget financing. Try to explain that to constituents whose day to day lives were drastically affected by an unreasonable provision of the law.

Mr. President, I hope that this legislation, which will strengthen the concept of the family and allow thousands of disabled persons to marry who cannot now do so, receives the favorable

attention of my colleagues and can finally be passed into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF RULE PROVIDING FOR TERMINATION OF DISABLED ADULT CHILD'S BENEFITS UPON MARRIAGE.

(a) IN GENERAL.—Section 202(d) of the Social Security Act (42 U.S.C. 402(d)) is amended—

(1) in paragraph (1)(D), by striking ''or marries,'';

(2) by striking paragraph (5); and

(3) in paragraph (6)—

(A) by inserting ''(other than by reason of death)'' after ''terminated'',

(B) by striking ''(provided no event specified in paragraph (1)(D) has occurred)'', and

(C) by striking ''the first month in which an event specified in paragraph (1)(D) occurs'' in subparagraph (C) and inserting ''the month in which the child's death occurs''.

(b) Conforming Amendments.—

(1) Section 202(d) of such Act (as amended by subsection (a)) is further amended by redesignating paragraphs (6), (7), (8), and (9) as paragraphs (5), (6), (7), and (8), respectively.

(2) Section 202(s)(2) of such Act (42 U.S.C. 402(s)(2)) is amended by striking ''So much of subsections (b)(3), (c)(4), (d)(5), (g)(3), and (h)(4) of this section as precedes the semicolon,'' and inserting ''Subsections (b)(3), (c)(4), (g)(3), and (h)(4) of this section''.

(3) Section 223(e) of such Act (42 U.S.C. 423(e)) is amended by striking ''(d)(6)(A)(ii), (d)(6)(B),'' and inserting ''(d)(5)(A)(ii), (d)(5)(B)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to marriages occurring on or after May 1, 1995.●

By Mr. BOND:

S. 467. A bill for the relief of Benchmark Rail Group, Inc., and for other purposes; to the Committee on the Judiciary.

THE BENCHMARK RAIL GROUP RELIEF ACT OF 1995

● Mr. BOND. Mr. President, at the end of last session this body passed legislation to provide relief to the Benchmark Rail Group, Inc., a company in St. Louis, MO, that performed emergency work, at the request of the Southern California Regional Rail Authority, following the Northridge earthquake in California. Unfortunately, the House did not act on this legislation.

It was not until after several weeks into the emergency repair work on rail lines in the Los Angeles area that Benchmark learned of a provision in California State law that requires State agencies to only hire contractors licensed to do work in the State of California. This provision disqualified Benchmark from receiving payment owed—approximately $500,000.

FEMA, following the direction provided under section 406(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, contributed 90 percent to the net eligible cost of repair, restoration, reconstruction, and replacement of public facilities as a result of the earthquake. On August 23, 1994, funds were obligated by FEMA for various projects undertaken by the Metropolitan Transit Authority, including Southern California Regional Rail Authority and the work performed by the Benchmark Rail Group. Because of the provision of California State law, unfortunately the funds obligated cannot be awarded to Benchmark by the State of California or the Southern California Regional Rail Authority.

In a letter to Governor Wilson, FEMA stated that:

Benchmark Rail Group of St. Louis, MO, travelled halfway across the country at the invitation of the Southern California Regional Rail Authority to help people in dire need of assistance. this action was clearly an example of the concept of people-helping-people at work

According to the letter:

FEMA is precluded from directly paying Benchmark or otherwise effectuating or facilitating payment to Benchmark because of limitations imposed by both State and Federal law.

FEMA cannot pay Benchmark for two reasons. First, ''the Federal Government, in the performance of its duties and responsibilities, cannot ignore or abrogate State law. Since the failure to have a particular California license is the obstacle to payment by the State, FEMA is not legally in a position to do what the State of California, the Metropolitan Transit Authority and the Southern California Regional Rail Authority cannot do.'' Second, the Stafford Act prohibits FEMA from providing funds directly to Benchmark, since the company is not an eligible grantee. Section 406(a) of the Stafford Act and the applicable regulations authorizes reimbursement by FEMA only to the grantee of the Federal share of disaster assistance funds which must be a State or local government.

The State of California, like FEMA, recognized the problem and tried to resolve it last summer. Governor Wilson worked with the California State Legislature to amend California law to authorize payment to Benchmark. The effort got underway late in the legislative session and failed. Governor Wilson wrote to FEMA and stated:

We are hopeful that this problem can be resolved if FEMA obtains the administrative flexibility to make the Stafford Act payment directly to Benchmark.

The legislation that was introduced by the former senior Senator of Missouri, Senator Danforth, and passed this body last year, and which I am reintroducing today, would do just that. This legislation directs FEMA to reimburse Benchmark for all work which is eligible for reimbursement under the Stafford Act, including the 90-percent share that FEMA would ordinarily pay and the 10-percent share that the non-Federal entity would pay.

It is unfortunate that Benchmark Rail Group has gotten caught in the middle of State and Federal bureaucracy. Benchmark, who rushed to help others suffering from a natural disaster, now is suffering and cannot get help because of the inflexibility in both Federal and State law. I believe we have a responsibility to make certain that Benchmark is compensated for the work performed. I urge my colleagues to support this legislation.●

By Mr. GLENN (for himself and Mr. DEWINE):

S. 468. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Ohio, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL POWER ACT AMENDMENT ACT OF 1995

● Mr. GLENN. Mr. President, today with my colleague, Mr. DEWINE, I am introducing a bill to extend the time limitation on an already issued Federal Energy Regulatory Commission [FERC] license for the Summit pumped energy storage project in Norton, OH. Legislation authorizing the FERC to grant this extension has been introduced in the House by Congressman SAWYER.

Upon completion of environmental, engineering and other project review, the FERC issued a license to Summit Energy Storage, Inc., for the Summit pumped storage hydropower project. The 1,500 megawatt Summit project, to be located in Summit and Medina Counties, OH, will generate an estimated maximum 3,900 gigawatt-hours of electricity per year.

Section 13 of the Federal Power Act prescribes the time limits for commencement of construction of a hydropower project once FERC has issued a license. The licensee must begin construction not more than 2 years from the date the license is issued, unless FERC extends the initial 2-year deadline. FERC has extended the Summit project's construction commencement deadline for the one permissible 2-year period, setting the current deadline of April 11, 1995. The bills we introduce would grant FERC authority to extend the commencement of construction deadline for up to 6 additional years.

Mr. President, I urge the enactment of this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DEADLINE.

(A) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 9423, the Commission may, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section,

extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).●

By Mr. GREGG (for himself and Mr. COATS):

S. 469. A bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards; to the Committee on Labor and Human Resources.

EDUCATION LEGISLATION

● Mr. GREGG. Mr. President: I introduce legislation that begins to undo the damage caused by the passage of Goals 2000: Educate America Act during the last Congress. My legislation will not only eliminate the National Education Standards and Improvement Council but will also repeal opportunity to learn standards. Both of these, created under Goals 2000, specifically shift a significant amount of the control of curriculum and management of elementary and secondary schools from local communities and States to the Federal Government.

By repealing these two pieces of Goals 2000, we rid States and localities of the most offensive provisions of this legislation and move to restore local control of education. The first step is eliminating the National Education Standard and Improvement Council [NESIC], also referred to as the National School Board. This body is charged with certifying national content and performance standards and opportunity to learn standards. These standards basically address all areas affecting the way elementary and secondary schools are operated. We have already seen the failure of national standards with the creation of U.S. history standards. Let's stop this disaster before it goes any further.

The second step in the process of restoring local control is to eliminate opportunity to learn standards. Basically, these standards are a Federal methodology of how people teach, what they are taught and the atmosphere in which they are taught. Opportunity to learn standards deal with input; they address curriculum, instructional materials, teacher capabilities, and school facilities. Since when is the Federal Government involved in deciding how many pencils each classroom should have?

Proponents of opportunity to learn standards insist that the implementation of these standards is voluntary. However, if a State wants their fair share of the available funds, they must develop these standards, even if they have no intention of using them; this does not appear to be voluntary to me.

We must make it clear that energizing local communities, the parents, the teachers, the principals, and the school boards is the key to improving education. My legislation does just that.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 469

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

Title II of the Goals 2000: Educate America Act (20 U.S.C. 5821 et seq.) is amended—

(1) by repealing part B (20 U.S.C. 5841 et seq.); and

(2) by redesignating parts C and D (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively.

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—

(1) The table of contents for the Goals 2000: Educate America Act is amended, in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking ''PART C'' and inserting ''PART B''; and

(C) by striking ''PART D'' and inserting ''PART C''.

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting ''and'' after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking '', voluntary national student performance'' and all that follows through ''such Council'' and inserting ''and voluntary national student performance standards''.

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking '', student performance, or opportunity-to-learn'' and inserting ''or student performance''.

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

''(2) review voluntary national content standards and voluntary national student performance standards;''; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting ''and'' after the semicolon;

(ii) in subparagraph (B), by striking ''; and'' and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking ''voluntary national opportunity-to-learn standards,''; and

(B) by striking ''described in section 213(f)''.

(8) Section 241 of such Act (20 U.S.C. 5871) is amended—

(A) in subsection (a), by striking ''(a) NATIONAL EDUCATION GOALS PANEL.—''; and

(B) by striking subsections (b) through (d).

(9) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(10) Section 306 of such Act (20 U.S.C. 5886) is amended—

(A) by striking subsection (d); and

(B) in subsection (o), by striking ''State opportunity-to-learn standards or strategies,''.

(11) Section 308(b)(2) of such Act (20 U.S.C. 5888(b)(2)) is amended—

(A) in the matter preceding clause (i) of subparagraph (A), by striking ''State opportunity-to-learn standards,''; and

(B) in subparagraph (A), by striking ''including—'' and all that follows through ''title II;'' and inserting ''including through consortia of States;''.

(12) Section 312(b) (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking ''certified by the National Education Standards and Improvement Council and''.

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(C), by striking '', including the requirements for timetables for opportunity-to-learn standards,'';

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking ''paragraph (4) of this subsection'' and inserting ''paragraph (3)'';

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated in subclause (II)) by striking '', voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act'' and inserting ''and voluntary national student performance standards'';

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (ii)), by striking ''paragraph (5),'' and inserting ''paragraph (4),''; and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking ''paragraph (4)'' each place it appears and inserting ''paragraph (3)'';

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking ''subsection (b)(4)'' and inserting ''subsection (b)(3)''; and

(ii) by striking ''and to provide a framework for the implementation of opportunity-to-learn standards or strategies''; and

(C) in subsection (f), by striking ''subsection (b)(4)'' each place it appears and inserting ''subsection (b)(3)''.

(15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.

(B) The table of contents for such Act is amended by striking the item relating to section 316.

(16) Section 317 of such Act (20 U.S.C. 5897) is amended—

(A) in subsection (d)(4), by striking ''promote the standards and strategies described in section 306(d),''; and

(B) in subsection (e)—

(i) in paragraph (2), by inserting ''and'' after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(17) Section 503 of such Act (20 U.S.C. 5933) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking ''28'' and inserting ''27'';

(II) by striking subparagraph (D); and

(III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;

(ii) in paragraphs (2), (3), and (5), by striking ''subparagraphs (E), (F), and (G)'' each place it appears and inserting ''subparagraphs (D), (E), and (F)'';

(iii) in paragraph (2), by striking ''subparagraph (G)'' and inserting ''subparagraph (F)'';

(iv) in paragraph (4), by striking ''(C), and (D)'' and inserting ''and (C)''; and

(v) in the matter preceding subparagraph (A) of paragraph (5), by striking ''subparagraph (E), (F), or (G)'' and inserting ''subparagraph (D), (E), or (F)''; and

(B) in subsection (c)—

(i) in paragraph (1)(B), by striking ''subparagraph (E)'' and inserting ''subparagraph (D)''; and

(ii) in paragraph (2), by striking ''subparagraphs (E), (F), and (G)'' and inserting ''subparagraphs (D), (E), and (F)''.

(18) Section 504 of such Act (20 U.S.C. 5934) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(A) in subsection (b)(8)(B), by striking ''(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)'';

(B) in subsection (f), by striking ''opportunity-to-learn standards or strategies,'';

(C) by striking subsection (g); and

(D) by redesignating subsection (h) as subsection (g).

(2) Section 1116 of such Act (20 U.S.C. 6317) is amended—

(A) in subsection (c)—

(i) in paragraph (2)(A)(i), by striking all beginning with '', which may'' through ''Act''; and

(ii) in paragraph (5)(B)(i)—

(I) in subclause (VI), by inserting ''and'' after the semicolon;

(II) in subclause (VII), by striking ''; and'' and inserting a period; and

(III) by striking subclause (VIII); and

(B) in subsection (d)—

(i) in paragraph (4)(B), by striking all beginning with '', and may'' through ''Act''; and

(ii) in paragraph (6)(B)(i)—

(I) by striking subclause (IV); and

(II) by redesignating subclauses (V) through (VIII) as subclauses (IV) through (VII), respectively.

(3) Section 1501(a)(2)(B) of such Act (20 U.S.C. 6491(a)(2)(B)) is amended—

(A) by striking clause (v); and

(B) by redesignating clauses (vi) through (x) as clauses (v) through (ix), respectively.

(4) Section 10101(b)(1)(A)(i) of such Act (20 U.S.C. 8001(b)(1)(A)(i)) is amended by striking ''and opportunity-to-learn standards or strategies for student learning''.

(5) Section 14701(b)(1)(B)(v) of such Act (20 U.S.C. 8941(b)(1)(B)(v)) is amended by striking ''the National Education Goals Panel,'' and all that follows through ''assessments)'' and inserting ''and the National Education Goals Panel''.

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 428 of the General Education Provisions Act (20 U.S.C. 1228b), as amended by section 237 of the Improving America's Schools Act of 1994 (Public Law 103–382) is amended by striking ''the National Education Standards and Improvement Council,''.

(d) EDUCATION AMENDMENTS OF 1978.—Section 1121(b) of the Education Amendments of 1978 (25 U.S.C. 2001(b)), as amended by section 381 of the Improving America's Schools Act of 1994 (Public Law 103–382) is amended by striking ''213(a)'' and inserting ''203(a)(2)''.●

By Mr. HOLLINGS (for himself and Mr. INOUYE):

S. 470. A bill to amend the Communications Act of 1934 to prohibit the distribution to the public of violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; to the Committee on Commerce, Science, and Transportation.

THE CHILDREN'S PROTECTION FROM TELEVISION VIOLENCE ACT

● Mr. HOLLINGS. Mr. President, today I am re-introducing legislation that will protect children from the harmful effects of gratuitous television violence. As the President said in his State of the Union Address, the entertainment industry has a ''* * * responsibility to assess the impact of [its] work and to understand the damage that comes from the incessant, repetitive mindless violence that permeates our media all the time.'' I do not believe the industry has done its best to honor that special responsibility.

My approach is the most reasonable and feasible way to deal with the reality that television has become the permanent babysitter and some-time parent. The television does not simply occupy a child's time; it has become one of the more powerful influences in a child's life. Yet it continues to be nothing but a vast wasteland.

We've heard all the commitments to reduce the level of violence on television. We've heard the commitments to improve the quality of children's programming. But what has been the result? More violence. The industry's primary focus continues to be the bottom line—not on the quality of the programming and its educational value.

The evidence is overwhelming. Arnold Goldstein, the Director of the Center for Research on Aggression at Syracuse University, has done extensive research in the area of violence and its impact on youth. His research conclusively finds a link between TV violence and real-world violence and adds support to congressional efforts to curb the amount of violence on television. The Commerce Committee's hearing record last Congress provides further evidence of the extent of violence in society. Each year, over 20,000 people are murdered in the United States—1 person is killed every 22 minutes. Violence is the second leading cause of death for Americans between the ages of 15 and 24. The Centers for Disease Control now considers violence to be a public health problem.

According to several studies, television violence increased in the 1980's both during prime time and during children's television hours. Evidence shows that children spend more time watching television than they spend in school. For example, children between the ages of 2 and 11 watch television an average of 28 hours per week. Furthermore, a University of Pennsylvania study documented that a record 32 violent acts per hour were shown during children's shows in 1992. The American Psychological Association [APA] estimates that a typical child will watch 8,000 murders and 100,000 acts of violence before finishing elementary school.

The Commerce Committee has been looking at the issue of television violence and its impact on youth. Last Congress, the Commerce Committee held a hearing on this issue and found that there is indeed a compelling governmental interest to protect children from the harmful effects of violence on television. To address this interest, my bill directs the Federal Communications Commission [FCC] to adopt rules to require the networks and cable industry to channel violent programming into times of the day when children are not likely to comprise a substantial part of the audience. This is consistent with Supreme Court decisions recognizing the compelling nature of the Government's interest in helping parents supervise their children and in independently protecting the well being of its youth.

I am sensitive to the constitutional concerns raised by this issue. However, I believe the safe harbor mandated by my bill is sound public policy and is the least restrictive means to protect children. The courts have found many deficiencies in past legislative efforts to curb indecent programming. In fact, the U.S. Court of Appeals for the District of Columbia ruled that the safe harbor timeframe for indecent broadcasts from 12 midnight to 6 a.m. was unconstitutional. The court said the timeframe mandated by Congress and adopted in the FCC's rules was overly broad and not based upon a sufficient record.

My bill avoids the deficiencies found in prior legislative efforts. In Action for Children's Television versus FCC (Act IV), the court said the FCC's effort to implement a safe harbor for indecent programming failed because its regulations attempted to protect every person—adults and children—from the

harmful effects of indecent programming. The FCC failed to balance properly the first amendment considerations necessary to restrict indecent broadcasts since the FCC's rules did not exclude adults from the persons to be protected from indecent broadcasts.

In his concurring opinion, Judge Edwards asserted that violent programming is more harmful to children than indecent broadcasts and that a more compelling case can be made for regulating violence—if the regulation is narrowly tailored. Judge Edwards stated that ''the strength of the Government's interest in shielding children from exposure to indecent programming is tied directly to the magnitude of the harms sought to be prevented. The apparent lack of specific evidence of harms from indecent programming stands in direct contrast, for example, to the evidence of harm caused by violent programming—a genre that, as yet, has gone virtually unregulated.''

My bill does not ban programs with violence, and it does not regulate the content of any program. Rather, it directs the FCC to adopt rules to require the networks and the cable industry to channel violent programming into time slots when children are not likely to comprise a substantial part of the audience.

The programming that children watch today is no longer produced by a few Hollywood studios and broadcast by three networks. We now have an established fourth network, several emerging networks, independent television stations, and cable television, all of which have multiple sources of programming. Therefore, we can no longer hold just the three networks responsible for what children watch. That is why my bill adopts a broad approach directed at all providers of video programming.

I am convinced this bill is the least restrictive means by which we can limit children's exposure to violent programming. I urge my colleagues to consider it carefully.

I ask unanimously consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Children's Protection from Violent Programming Act of 1995''.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Television station operators, cable television system operators, and video programmers should follow practices in connection with video programming that take into consideration that television broadcast and cable programming—

(A) has established a uniquely pervasive presence in the lives of all Americans; and

(B) is readily accessible to children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency for violent and aggressive behavior later in life than those children not so exposed. Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(5) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(6) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(7) Restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve that compelling governmental interest.

(8) Warning labels about the violent content of video programming will not in themselves prevent children from watching violent video programming.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''SEC. 714. UNLAWFUL DISTRIBUTION OF VIOLENT PROGRAMMING.

''(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to—

''(1) distribute to the public any violent video programming during hours when children are reasonably likely to comprise a substantial portion of the audience; or

''(2) knowingly produce or provide material for such distribution.

''(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection From Violent Programming Act of 1995. As part of that proceeding, the Commission—

''(1) may exempt from the prohibition under subsection (a) programming (including news programs, documentaries, educational programs, and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 2 of the Children's Protection From Violent Programming Act of 1995;

''(2) shall exempt premium and pay-per-view cable programming; and

''(3) shall define the term 'hours when children are reasonable likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

''(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately repeal any license issued to that person under this Act.

''(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

''(e) DEFINITION.—As used in this section, the term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.''.

SEC. 4. EFFECTIVE DATE.

The prohibition contained in section 714 of the Communications Act of 1934 (as added by section 3 of this Act) and the regulations promulgated thereunder shall be effective on the date that is 1 year after the date of enactment of this Act.●

By Mr. BIDEN (for himself, Mr. D'AMATO, Mr. HOLLINGS, Mr. ROTH, and Mr. STEVENS):

S. 471. A bill to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

THE VETERANS PLOT ALLOWANCE ACT OF 1995

● Mr. BIDEN. Mr. President, today, I am reintroducing legislation I first offered last year regarding the $150 veterans plot allowance to states. My bill would provide a payment for all veterans—not just some veterans—who are buried free of charge in a State veterans cemetery, if they are eligible for burial in a national veterans cemetery. I am pleased to be joined in this effort today by Senators D'AMATO, HOLLINGS, ROTH, and STEVENS.

The imperative for enacting this legislation is even greater today than it was when I introduced the same bill last May. Earlier this week, the Associated Press reported that our national cemeteries are fast running out of space. Of the 114 national cemeteries, 56—one short of half—are already full. And, space exists for just 230,000 more caskets and the cremated remains of just 50,000 more veterans. Compared that with the 27 million veterans living today who will be eligible for burial in a national cemetery.

For those familiar with veterans issues, these statistics will not come as a great shock. In fact, the rapidly dwindling space in national cemeteries is one of the main reasons that over a decade ago, Congress established the state cemetery grant program. In doing so, we hoped to encourage States to build State veterans cemeteries to ease the burden on the national cemetery system.

This Federal-State partnership has not only worked, it is a shining example of what the States and the Federal Government can do together. Since the creation of the program, over 25 States have built State veterans cemeteries—and there are now 42 such cemeteries throughout the United States. For States like Delaware, which do not have a national cemetery at all, the State cemetery program ensures that veterans will receive the dignified burial they deserve in a veterans-only cemetery, while being buried closer to home than if they were buried in a national cemetery.

Now, however, I fear that this partnership is at risk—precisely when we need it the most. The reason is because of an anomaly in the law. States are required to bury in a State-owned veterans cemetery those veterans who are eligible for burial in a national veterans cemetery—that is, all honorably

discharged veterans. To help meet the cost, the Federal Government promised to pay a $150 plot allowance to the State for each veteran who is buried free of charge. But—and here is the catch—this payment is not made for all honorably discharged veterans. Rather, a State is eligible for the plot allowance only for burying veterans who meet a set of more restrictive criteria. Specifically, the plot allowance is paid only for those veterans who: First, were receiving veterans disability compensation or a veterans pension; second, died in a VA hospital; third, were indigent, and the body was unclaimed; or fourth, were, or could have been, discharged from the military due to a disability.

In short, State-owned veterans cemeteries exist to help relieve the Federal Government of its responsibility to bury all veterans in national cemeteries. At the same time, States do not receive the $150 plot allowance for burying all national cemetery eligible veterans. It seems to me that this disparate treatment is in conflict with the very purpose for which State veterans cemeteries were established.

And, because of the limits on the payment of the plot allowance, I have heard anecdotal evidence in recent years that some States may soon stop burying veterans free of charge. They claim that they cannot afford to do so when the Federal Government does not pay the $150 plot allowance.

To further complicate matters, last year, Congress extended eligibility for burial in a national cemetery to National Guard members and reservists who have served at least 20 years. By their eligibility for burial in a national cemetery, they are also now eligible for burial in State veterans cemeteries. But, of course, few, if any, will meet the four-point criteria I mentioned a moment ago—and the States will not receive a $150 plot allowance for their burial.

So, Mr. President, as we are asking more of State veterans cemeteries—through expanded eligibility and through decreased space in national cemeteries—and as State veterans cemeteries become more vital to the national cemetery system, we need to ensure that States continue to participate in the program. To guarantee that—and to be fair to the States—my legislation would simply provide States the $150 plot allowance for burying without charge any veterans eligible for burial in a national veterans cemetery. No more restricted criteria. No more contradictory goals. Only one simple and fair rule: If a State buries a veteran in lieu of burial in a national cemetery, the State is paid the plot allowance.

If my legislation were enacted, the Congressional Budget Office has estimated that it would cost the Federal Government about $1 million annually. While my bill does not have offsetting reductions in other Federal spending to cover this cost, I am committed to finding such reductions before the measure is passed.

Mr. President, on this, the 50th anniversary of the Battle of Iwo Jima—at a time when we are honoring the brave men who fought there and the almost 7,000 who died there—it is well to remember that the Federal Government is duty-bound to give all of our veterans a decent and dignified burial. The legislation I am introducing today will help to ensure that we live up to that solemn commitment. I urge my colleagues to cosponsor this bill.●

By Mr. DODD (for himself and Mr. KENNEDY):

S. 472. A bill to consolidate and expand Federal child care services to promote self-sufficiency and support working families, and for other purposes; to the Committee on Labor and Human Resources.

THE CHILD CARE CONSOLIDATION AND INVESTMENT ACT OF 1995

Mr. DODD. Mr. President, I rise today to introduce the Child Care Consolidation and Investment Act. I am pleased to offer this legislation with my colleague, Senator KENNEDY.

The bill would consolidate major child care programs, including the child care and development block grant to create a seamless system of child care for working parents; expand access to affordable child care in order to promote work and self-sufficiency; ensure that parents will not be forced to leave their children in unsafe situations to comply with work requirements; and build on the child care and development block grant to encourage parental choice, provide for quality and ensure basic health and safety standards.

I attended a hearing of the Subcommittee on Children and Families last week which highlighted the need for this legislation. We heard from several witnesses about the desperate need for an increased investment in child care. We also heard about the unintended but terrible consequences of imposing work requirements or time limits for welfare without a corresponding investment in child care.

In addition, witnesses discussed the importance of emphasizing quality child care. It is not enough to simply warehouse our children. We must provide them with a safe, clean, stimulating environment. They deserve no less. That is why our bill would preserve and build on the quality component of the child care and development block grant.

The bill seeks to simplify and consolidate Federal child care programs in hopes of creating seamless support so that individuals have access to child care as they move from welfare to job training to work. But it recognizes that consolidation, as important as it is, is no substitute for devoting resources to meet the needs of our kids.

Finally, the bill would seek to put child care at its rightful place in the center of the welfare reform debate. It would require any State that imposes work requirements on welfare recipients to offer child care assistance for the recipients' children.

BARRIERS BETWEEN WELFARE AND WORK

I think we all share the same goal in reforming the welfare system—to encourage self-sufficiency and reward work. To get the job done, we must identify the barriers between individuals on welfare and work—and then do our best to eliminate those barriers.

Our bill recognizes that one of the most significant barriers to work is a lack of affordable, quality child care. But most of the welfare reform proposals coming from the other side of the aisle are woefully inadequate on this point.

Most of the plans would put welfare recipients to work. I wholeheartedly agree that work and job training requirements are critical if we ever hope to break the cycle of poverty. Placing work at the center of our welfare policy is the right approach.

But this raises an important question. Since two-thirds of families receiving aid to families with dependent children have at least one pre-school age child, what happens to the children while their parents are at work? Where do they go? Who will look out for them?

The major Republican proposal in the House completely ignores these questions. Instead of putting children at the center of the welfare reform debate—as they should be—some Republicans are treating them as nuisances to be swept under the rug.

At a time when we should be investing in child care to make work possible, the House bill would cut child care funding. The House bill would eliminate child care subsidies for 377,000 kids by the year 2000, and cut funding by 24 percent by that time. The House bill would also completely eliminate quality standards—even minimal health and safety requirements.

During a subcommittee mark-up in the other body last week, Representative JIM NUSSLE had the following to say about proposals to ensure child care as part of welfare reform:

> Pretty soon we'll have the department of the alarm clocks to wake them up in the morning and the department of bedtime stories to tuck them in at night. It's not the Government's responsibility.

That kind of flip, cavalier attitude toward our Nation's children is completely unacceptable. I would suggest the Government does have a responsibility to young children. It is not kids' fault that their parents are on welfare, and they shouldn't be punished for the mistakes or bad luck of adults.

I maintain that if we are going to put welfare parents to work, we have an obligation to do something for their kids. It's just that simple.

MAKING A BAD SITUATION WORSE

Demand for child care already outstrips the supply. There are now thousands of children on waiting lists in 37

States. You don't need to be an economist to understand what would happen if 2 to 3 million additional children need child care when their parents are put to work.

A bad situation will grow worse. Increased demand will drive up fees—pricing more working families out of the system. Former welfare recipients will find it difficult to remain in the job market if they have no one to care for their kids. The quality of child care will decline. We will find that we haven't reformed much of anything.

We must recognize that to build a welfare system that truly rewards work, we must have a national child care policy that makes work possible.

We have a wealth of hard evidence to prove this point:

A study by the Illinois Department of Public Aid found that 42 percent of AFDC recipients said that child care problems kept them from working full-time. Twenty percent said they had abandoned jobs and returned to welfare within the previous year—because of inadequate child care.

Child care expenses and simple economics often conspire to make welfare more attractive than work. The GAO found that the median family income of the working poor was $159 higher per month than those of AFDC recipients. But working poor families pay an average of $260 per month on child care—more than enough to wipe out the economic advantage they get from working.

If we want to replace welfare with work, it is obvious we must do something about child care. And if we want to do something about child care for the working poor, the child care development block grant is the place to start: 70 percent of the children served by the block grant have working parents and 67 percent of the children have family incomes at or below poverty.

The child care development block grant provides funds to States to help parents pay for care. It encourages States to increase the number of providers and make it easier for parents to find the care they need.

The new investments in child care have already paid off. In many States, the financial support available for low-income families has more than doubled.

QUALITY

The child care development block grant is also noteworthy because it provides the States with money to invest in quality, a provision that sets it apart from any other source of Federal child care funds.

A major study released this month clearly illustrated how critical this emphasis on quality is. The multiyear, multistate study, entitled ''Cost, Quality, and Child Outcomes in Child Care Centers,'' was conducted by a team of researchers at four universities. It found that only one in seven child care centers provides good quality child care.

For infants and toddlers, the situation is particularly bad. A staggering 40 percent of child care centers do not meet minimal standards for this group, meaning basic sanitary conditions are not met, there are safety problems or learning is not encouraged.

The poor quality of child care already puts our kids at risk. The situation will only grow worse if we try to shove millions more kids into the system with no thought to the quality of that system.

That's why our bill would build on the block grant's commitment to quality. The block grant's quality set-aside funds a variety of efforts, including renovations and repairs to help centers meet State licensing standards, the purchase of educational materials, support for low-income family home child care providers, and training and technical assistance for staff. These are critical efforts, and they should be continued.

Child care has been a strongly bipartisan issue in the Senate, and I hope colleagues from both sides of the aisle will join us in this effort to put children at the center of the welfare reform debate. Let's not leave our kids behind.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Child Care Consolidation and Investment Act of 1995''.

SEC. 2. FINDINGS.

Congress finds that—

(1) fragmentation of the Federal Government's major child care assistance programs has left gaps for many parents moving from welfare to work;

(2) child care problems have prevented 34 percent of poor mothers between the ages 21 and 29 from working;

(3) ⅔ of all families receiving assistance under the Aid to Families with Dependent Children program have at least one preschool age child and need child care in order to work;

(4) there already exists an unmet need for child care assistance—37 States now have waiting lists that can run as high as 35,000 individuals;

(5) child care directly affects an individual's ability to stay in the work force;

(6) welfare reform that places work at its center will increase the demand for child care and require an additional investment of resources;

(7) child care consumes $260 per month or about 27 percent of income for average working poor families, leaving them with less income than families eligible for assistance under the Aid to Families with Dependent Children program;

(8) quality must be a central feature of the child care policy of the United States;

(9) only 1 in 7 day care centers offer good quality care;

(10) 40 percent of day care centers serving infants and toddlers do not meet basic sanitary conditions, have safety problems, and do not encourage learning; and

(11) only 9 percent of family and relative day care is considered good quality care.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) eliminate program fragmentation and create a seamless system of high quality child care that allows for continuity of care for children as parents move from welfare to job training to work;

(2) provide for parental choice among high quality child care programs; and

(3) increase the availability of high quality affordable child care in order to promote self sufficiency and support working families.

SEC. 4. AMENDMENTS TO CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.

(a) APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. APPROPRIATION.

''(a) IN GENERAL.—For the purpose of providing child care services for eligible children through the awarding of grants to States under this subchapter, the Secretary of Health and Human Services shall pay, from funds in Treasury not otherwise appropriated, $2,302,000,000 for fiscal year 1996, $2,790,000,000 for fiscal year 1997, $3,040,000,000 for fiscal year 1998, $3,460,000,000 for fiscal year 1999, and $4,030,000,000 for fiscal year 2000.

''(b) ADJUSTMENTS.—If the amounts appropriated under subsection (a) are not sufficient to provide services to each child whose parent is required to undertake education, job training, job search, or employment as a condition of eligibility for benefits under part A of title IV of the Social Security Act, the Secretary shall pay, from funds in the Treasury not otherwise appropriated, such sums as may be necessary to ensure the implementation of section 658E(c)(3)(E) with respect to each such child.''.

(b) AWARDING OF GRANTS.—Section 658C of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858a) is amended by striking ''is authorized to'' and inserting ''shall''.

(c) SUPPLEMENTATION.—Section 658E(c)(2)(J) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(J)) is amended by inserting ''in fiscal year 1995'' before the period.

(d) SET-ASIDES FOR QUALITY AND WORKING FAMILIES, AND CHILD CARE GUARANTEE.—Section 658E(c)(3) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3))—

(1) in subparagraph (C), by striking ''25 percent'' and inserting ''20 percent''; and

(2) by adding at the end thereof the following new subparagraphs:

''(D) ASSISTANCE FOR LOW-INCOME WORKING FAMILIES.—The State shall reserve not less than 50 percent of the amount provided to the State and available for providing services under this subchapter, to carry out child care activities to support low-income working families residing in the State.

''(E) CHILD CARE GUARANTEE.—The State plan shall provide assurances that the availability of child care under the grant will be coordinated in an appropriate manner (as determined by the Secretary) with the requirements of part A of title IV of the Social Security Act. Such coordination shall ensure that the parent of a dependent child is not required to undertake an education, job training, job search, or employment requirement unless child care assistance in an appropriate child care program is made available.''.

(e) MATCHING REQUIREMENT.—Section 658E(c) of the Child Care and Development

Block Grant Act of 1990 (42 U.S.C. 9858c(c)) is amended by adding at the end thereof the following new paragraph:

''(6) MATCHING REQUIREMENT.—With respect to amounts made available to a State in each fiscal year beginning with fiscal year 1996, that exceed the aggregate amounts received by the State for child care services in fiscal year 1995, the State plan shall provide that, with respect to the costs to be incurred by the State in carrying out the activities for which a grant under this subchapter is awarded, the State will make available (directly or through in-kind donations from public or private entities) non-Federal contributions in an amount equal to not less than $1 for every $4 of Federal funds provided under the grant.''.

(f) IMPROVING QUALITY.—

(1) INCREASE IN REQUIRED FUNDING.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended by striking ''not less than 20 percent'' and inserting ''50 percent''.

(2) QUALITY IMPROVEMENT INCENTIVE INITIATIVE.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended—

(1) by striking ''A State'' and inserting ''(a) IN GENERAL.—A State''; and

(B) by adding at the end thereof the following new subsection:

''(b) QUALITY IMPROVEMENT INCENTIVE INITIATIVE.—

''(1) IN GENERAL.—The Secretary shall establish a child care quality improvement incentive initiative to make funds available to States that demonstrate progress in the implementation of—

''(A) innovative teacher training programs such as the Department of Defense staff development and compensation program for child care personnel; or

''(B) enhanced child care quality standards and licensing and monitoring procedures.

''(2) FUNDING.—From the amounts made available for each fiscal year under subsection (a), the Secretary shall reserve not to exceed $50,000,000 in each such fiscal year to carry out this subsection.''.

(g) BEFORE- AND AFTER-SCHOOL SERVICES.—Section 658H(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f(a)) is amended by striking ''not less than 75 percent'' and inserting ''50 percent''.

(h) PAYMENTS.—Section 658J(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858h) is amended by striking ''Subject to the availability of appropriation, a'' and inserting ''A''.

(i) ALLOTMENTS.—Section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) is amended by adding at the end thereof the following new paragraph:

''(5) ALLOTMENT.—

''(A) BASE ALLOTMENT.—Effective beginning with fiscal year 1996, the amount allotted to a State under this section shall include the base amount that the State received under this Act, and under the provisions repealed under section 5 of the Child Care Consolidation and Investment Act of 1995, in fiscal year 1995.

''(B) ADDITIONAL AMOUNTS.—Effective beginning with fiscal year 1996, any amounts appropriated under section 658B for a fiscal year and remaining after the requirement of subparagraph (A) is complied with, shall be allotted to States pursuant to the formula described in paragraph (1).''.

SEC. 5. PROGRAM REPEALS.

(a) AFDC JOBS AND TRANSITIONAL CHILD CARE.—

(1) REPEAL.—Paragraphs (1), (3), (4), (5), (6), and (7) of section 402(g) of the Social Security Act (42 U.S.C. 602(g)) are repealed.

(2) CONFORMING AMENDMENTS.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(A) in section 402(a)(19) (42 U.S.C. 602(a)(19))—

(i) in subparagraph (B)(i)(I), by striking ''section 402(g)'' and inserting ''the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'';

(ii) in subparagraph (C)(iii)(II), by striking ''section 402(g)'' and inserting ''the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'';

(iii) in subparagraph (D), by striking ''section 402(g)'' and inserting ''the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)''; and

(iv) in subparagraph (F)(iv), by striking ''section 402(g)'' and inserting ''section 402(g)(2) and the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.)'';

(B) in section 402(g)(2) (42 U.S.C. 602(g)(2)), by striking ''(in addition to guaranteeing child care under paragraph (1))''; and

(C) in section 403(*l*)(1)(A) (42 U.S.C. 603(*l*)(1)(A)), by striking ''(including expenditures for child care under section 402(g)(1)(A)(i), but only in the case of a State with respect to which section 1108 applies)''.

(b) AT-RISK CHILD CARE.—Sections 402(i) and 403(n) of the Social Security Act (42 U.S.C. 602(i), 603(n)) are repealed.

(c) STATE DEPENDENT CARE GRANTS.—Subchapter E of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871 et seq.) is repealed.

(d) CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE ACT.—The Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10901 et seq.) is repealed.

(e) SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR TECHNICAL AND CONFORMING AMENDMENTS.—The Secretary of Health and Human Services shall, within 90 days after the date of the enactment of this Act, submit to the appropriate committees of the Congress, a legislative proposal providing for such technical and conforming amendments in the law as are required by the provisions of subsections (a) and (c).

Mr. KENNEDY. Mr. President, I am pleased to join Senator DODD in introducing the Child Care Consolidation and Investment Act of 1995.

For far too many American families ''Home Alone'' is not just a movie, but a daily crisis. The struggle for decent child care is a fact of life that all working families understand—regardless of their income.

Today and everyday, millions of American families face impossible choices—cruel choices, between the jobs they need and the children they love—heart-wrenching choices between putting food on the table and finding safe and affordable child care for their young sons and daughters.

Nine million children live in single-parent working families. Twenty-seven million more children live in two-parent families where both parents work. The average cost of child care is nearly $5,000 a year—yet the take home pay from a minimum wage job is stuck at $8,500. This standard of living is not manageable. It is not fair and it is not acceptable.

We have heard a lot about turning welfare into work, but not nearly enough about who will care for the 10 million children on AFDC when their parents are in job training or at work. If we are serious about promoting work, if we mean it when we talk about strengthening families instead of punishing then, we must deal with the essential issue of child care.

We know that every day, millions of young children are left in unsupervised settings and in poor quality child care that jeopardize their health and safety—not because their parents do not care, but because they lack options, lack information, and lack cash.

Today, 21 million low-income children under 12 are eligible for services under the Federal child care programs. Yet only 6 percent of these children receive this essential support. Government cannot replace parents, but it can and should help them in their efforts to make ends meet and care for the children.

Quality child care creates opportunity and increases productivity—not just for one generation, but for two generations. Child care is not about giving parents a blank check. It is about giving them a fair chance. Leaving children out of welfare reform will make a mockery of any such reform. It will pass the real life tragedy of dependency on from this generation to the next. Families cannot afford that—and neither can the Nation.

The current child care and development block grant is a tribute to bipartisan cooperation and effective partnerships. For the families whose lives it has touched, it has made child care more affordable and resource and referral services more available. It has guaranteed higher quality. It strikes a good balance between flexibility and accountability.

Unfortunately, this sound structure does not guide all Federal child care spending, but it should. It is the strong foundation on which child care reform should be constructed.

We must create a system of support that allows families to move from welfare to job training to work without continually disrupting the care of their children. We must build a system with assistance based on need, not on welfare status. I support this approach to consolidation and our legislation moves us in that direction.

The Child Care Consolidation and Investment Act of 1995 combines the major child care efforts into a single funding stream, rather than maintaining separate programs for families on welfare, families recently off welfare, and families at-risk of falling onto welfare—each with its own rules, regulations, and eligibility standards. Families have enough stress in their lives without having to weave their way through this maze—all too often only to hear that there is no more help available.

But consolidation alone will never be enough. In the end, it will only mean well-organized deck chairs on a ship that is sinking. Consolidation can streamline bureaucracy and enhance efficiency, but it will not produce real

savings to meet the every-increasing need for quality child care.

To do more than end welfare, we must remove the existing barriers to self-sufficiency, not raise them higher. For many, that barrier is lack of child care. One in three poor women not in the labor force say child care is their greatest barrier to participation. One in five part-time workers say they would work longer hours if child care is available and affordable.

Two-thirds of AFDC families have at least one preschool child. They need child care assistance in order to enroll in job training, job search, or educational activities.

There have been loud calls for cutting benefits and ending welfare. But there has been a deafening silence on child care. It is time to break that silence and put together a realistic program—based not on rhetoric but on results.

The bill approved Act passed by the House Republicans will roll back the positive advances we have made. According to estimates from the Department of Health and Human Services, the proposal will cut child care funds by 20 percent—a $2.5 billion reduction over the next 5 years. In the year 2000, 400,000 fewer children will receive this essential assistance. That does not sound like progress and it isn't progress. More children ''Home Alone'' is never progress.

On top of all that, now they even want to slash nutrition aid for schools and for child care food programs. If taking food out of the mouths of hungry children is not Republican extremism, I do not know what is. Republicans like to boast about their new ideas, but these ideas are out to lunch.

In contrast, the Child Care Consolidation and Investment Act provides the resources needed to promote self-sufficiency and to support working families. It is a realistic pro-work and pro-family proposal. The Act will give AFDC families a helping hand and it will give working families a fighting chance for a better life. It will bring a long-needed cease-fire to the battle for limited slots between families trying to get off welfare and families trying to stay off welfare—a battle with no winners.

We must reject any policy that pulls the rug out from under families just as they are getting on their feet. Such approaches are callous and counterproductive. In Massachusetts, of mothers who left welfare for work and then returned to welfare, 35 percent said child care problems were the reason. Additional support at that critical time could have made all the difference.

Recent studies remind us of the mediocre to poor quality of child care that most children receive. Only one in seven child care centers offers quality care and only 9 percent of family day care homes are found to be of high quality. Children deserve more than custodial care. They need individual attention and a safe place to learn and grow.

As the Inspector General of the Department of Health and Human Services stated in a recent report:

> The Child Care and Development Block Grant has been the principal source of Federal support to strengthen the quality and enhance the supply of child care. The implementation of the Act has been instrumental in raising the standards of other child care programs.

This act will take the next step by applying the requirement of quality standards to all Federal efforts, and by continuing to set aside a percentage of all child care funds to enable States to strengthen the quality of their programs. The innovative approaches that States have taken under this act have benefited all children in child care—not just those receiving assistance.

Clearly, for all of us who care about working families and genuine welfare reform, facing up to the challenge of child care deserves much higher priority than it has had so far.

By Mr. BOND (for himself, Mr. SIMON, Mr. ASHCROFT, and Ms. MOSELEY-BRAUN):

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

THE BI-STATE COMPACT AMENDMENT ACT OF 1995

● Mr. BOND. Mr. President, I am pleased to introduce this joint resolution with my friend and colleague, Senator ASHCROFT; the distinguished senior Senator from the State of Illinois, Senator SIMON; and my colleague and junior Senator from the State of Illinois, Senator MOSELY-BRAUN.

The Bi-State Development Agency of the Missouri-Illinois Metropolitan District is an interstate compact agency. The purpose of this joint resolution is to seek congressional approval for legislation enacted by the States of Missouri and Illinois which grants additional powers to the agency.

Since the agency's passenger transportation systems operate through various local jurisdictions, the agency has had difficulty insuring that fare evasion and other conduct prohibited on agency facilities and conveyances, and the penalties therefore, are uniform. In addition, issues have arisen regarding the jurisdiction of various local peace officers to arrest for conduct occurring on the light rail system.

The legislatures of the States of Missouri and Illinois have enacted legislation to confer the additional powers necessary to resolve the uniformity issues which the Bi-State Development Agency faces. To move forward, these changes approved by the elected officials of Missouri and Illinois now need congressional approval. I urge my colleagues to support this joint resolution.●

ADDITIONAL COSPONSORS

S. 228

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. 228, a bill to amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

S. 233

At the request of Mr. MCCAIN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 233, a bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes.

S. 256

At the request of Mr. DOLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 351

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 357

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 357, a bill to amend the National Parks and Recreation Act of 1978 to establish the Friends of Kaloko-Honokohau, an advisory commission for the Kaloko-Honokohau National Historical Park, and for other purposes.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 434

At the request of Mr. KOHL, the names of the Senator from Nebraska [Mr. EXON], the Senator from Iowa [Mr. GRASSLEY], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

SENATE JOINT RESOLUTION 18

At the request of Mr. HOLLINGS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Joint Resolution 18, a joint resolution proposing an amendment to the Constitution relative to contributions and expenditures intended to affect elections for Federal, State, and local office.